

VOLUNTARY AGREEMENT

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This 12<sup>th</sup> day of <sup>MAY</sup> ~~March~~, 1999, BETA RESTAURANT, Inc., T/A BRIGADOON's ("the Applicant") 1329 Wisconsin Ave., N.W., Washington, D.C. 20007, and Joseph M. Farrell, 3128 Dumbarton St., Cloatta Farrell, 3128 Dumbarton St., N.W., Susan Michal-Smith, 3120 Dumbarton St., N.W., and Cynthia Anthony, 3108 Dumbarton St., N.W., and formerly Single Member District Commissioner, ANC 2E-07 ("the neighbors") hereby agree as follows:

WITNESSETH

WHEREAS, pending before the Alcoholic Beverage Control Board ("ABC Board") of the District of Columbia is the Applicant's renewal application for a class CR license for the premises at 1329 Wisconsin Ave., N.W., with Application Number 179, and case No. 179-99016P; and

✓ WHEREAS, the neighbors filed a timely petition protesting the renewal of the license by letter dated November 23, 1998; and

WHEREAS, the parties desire to enter into an agreement regarding certain aspects of Applicant's operations;

NOW THEREFORE, in consideration of the above, and the covenants and promises set forth below, the parties agree as follows:

✓ 1. The Applicant will place all its garbage/trash in the garbage/trash holding area which is located behind the adjoining premises at 1335 Wisconsin Ave., N.W.

2. Applicant will maintain for the duration of its license a contract with a licensed pest control service with the objective of securing advice and services necessary to eliminating pests and rodents at 1329 Wisconsin Ave., N.W. A copy of said contract will be made available to the neighbors on request.

✓ 3. Applicant will continue to have a licensed manager on the premises at all times of operations.

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4. Applicants' food operations will start as a sandwich-type menu, but will expand to basic restaurant food.
5. Applicant will not provide any amplified live music or provide music by disc jockeys. Applicant, however, may provide normal background music.
6. Applicant will not operate as a public hall, or secure a public hall license, or charge admission for entry.
7. Applicant will not use the trade name: "Géorge-Toons."
8. Applicant's closing hour will be no later than 3:00 a.m., or as permitted by the ABC Rules and Regulations.
9. Applicant will not increase its certificate of occupancy beyond 75 persons.
10. In consideration of, and in reliance on, the commitments reflected in paragraphs 1 through 9 above, the neighbors hereby withdraw their protest of Applicant's pending liquor license renewal application.
11. The parties further agree that the above provisions are conditions of the license.

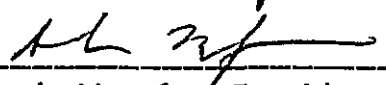
IN WITNESS WHEREOF, the parties have affixed their hands and seals on the day and year just above written.

BETA RESTAURANT, INC.

T/A Brigadoon's

By

  
Yves Courbois, General Manager


  
Angelo Marafan, President  
Beta Restaurant, Inc.

NEIGHBORS:

SM5







By Joseph Farrell  
Joseph Farrell

By Cloatta Farrell  
Cloatta Farrell

By Cynthia Anthony  
Cynthia Anthony

By Susan Michal-Smith  
Susan Michal-Smith

By Austin B. Gaff  
Austin B. Gaff  
2905 N Street, N.W.  
Counsel for Neighbors

EL

CA

just Aug

**BEFORE  
THE DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**In the Matter of :**

Beta Restaurant, Inc.  
t/a Brigadoons

Application for a Retailer's License  
CR – renewal application  
at premises  
1329 Wisconsin Avenue, N.W.  
Washington, D.C.

Case No. 179-99019P

**Joseph & Cloatta Farrell, Cynthia Anthony, Single Member District commissioner,  
Advisory Neighborhood Commission 2E07 and Susan Michael-Smith, Protestants**

**Angelo Magafan, President, on behalf of Applicant**

**BEFORE: Vannie Taylor III, Esquire, Chair  
Vera Abbott, Member  
Allen Beach, Member  
Max Salas, Member**

**ORDER ON WITHDRAWN PROTEST**

The application, having been protested, came before the Board for public hearing on December 9, 1998, in accordance with D.C. Code Section 25-115(c)(5)(1999 Supp.), providing for the protestants to be heard. Joseph & Cloatta Farrell, Cynthia Anthony, Single Member District Commissioner, Advisory Neighborhood Commission 2E07 and Susan Michael-Smith, filed timely protest letters.

The official records of the Board reflect that the parties have now reached an agreement which has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated May 12, 1999, the protestants have agreed to withdraw the opposition, provided however, the Board's approval of the pending application is conditioned.

Accordingly, it is this 16<sup>th</sup> day of June 1999, **ORDERED** that:

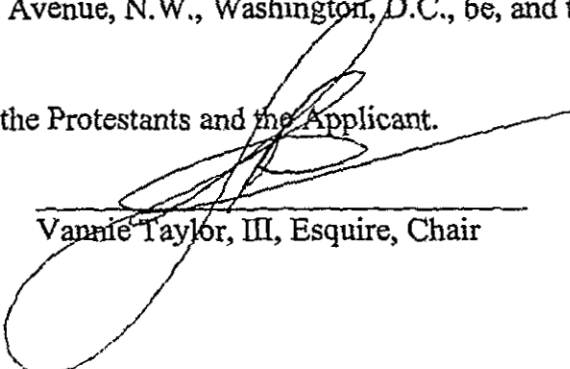
**Beta Restaurant, Inc.**  
**t/a Brigadoons**  
**Page two**

1. The protests of Joseph & Cloatta Farrell, Cynthia Anthony, Single Member District Commissioner, Advisory Neighborhood Commission 2E07 and Susan Michael-Smith, be, and the same hereby, is **WITHDRAWN**;

2. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**;

3. The application of Beta Restaurant, Inc. t/a Brigadoons, for a retailer's class CR license (renewal) at premises 1335 Wisconsin Avenue, N.W., Washington, D.C., be, and the same hereby, is **GRANTED**; and,

4. Copies of this Order shall be sent to the Protestants and the Applicant.



Vannie Taylor, III, Esquire, Chair

VOLUNTARY AGREEMENT

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This 12<sup>th</sup> day of <sup>MAY</sup> March, 1999, BETA RESTAURANT, Inc., T/A  
BRIGADOON's ("the Applicant") 1329 Wisconsin Ave., N.W., Washington, D.C.  
✓ 20007, and Joseph M. Farrell, 3128 Dumbarton St., Cloatta Farrell, 3128  
✓ Dumbarton St., N.W., Susan Michal-Smith, 3120 Dumbarton St., N.W., and  
✓ Cynthia Anthony, 3108 Dumbarton St., N.W., and formerly Single Member  
District Commissioner, ANC 2E-07 ("the neighbors") hereby agree as  
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the license by letter dated November 23, 1998; and

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T/A Brigadoon's

By

  
Yves Courbois, General Manager

  
Angelo Marafan, President  
Beta Restaurant, Inc.

NEIGHBORS:

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hr  
CBP  
CA  
Just Alz

By Joseph Farrell  
Joseph Farrell

By Cloatta Farrell  
Cloatta Farrell

By Cynthia Anthony  
Cynthia Anthony

By Susan Michal-Smith  
Susan Michal-Smith

By Austin B. Gaff  
Austin B. Gaff  
2905 N Street, N.W.  
Counsel for Neighbors

*Handwritten initials: "Am" and "EL"*

*Handwritten initials: "CA"*

*Handwritten text: "Just Ally"*



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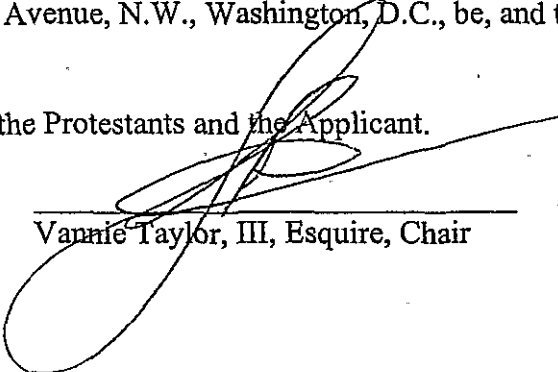
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